

## **REMARKS/ARGUMENTS**

Claims 1-9 and 17 are currently pending in this application, as amended. By the present amendment, claim 5 has been amended to correct the dependency which should have remained to claim 1. Applicant respectfully submits that no new matter has been introduced into the application by these amendments.

### **CLAIM REJECTIONS – 35 U.S.C. §103**

In the Action, claims 1-3, 7-9 and 17 were rejected under 35 U.S.C. §103 as obvious in view of the combination of U.S. 6,308,679 to Nakamura et al. in view of U.S. 6,155,941 to White et al. Applicant respectfully traverses this rejection.

Claim 1 is directed to a chain or synchronous belt drive having at least one chain or synchronous belt wheel integrated in the drive and through which the chain or synchronous belt is guided and engaged. An over-jump protection element is provided which at least partially overlaps the chain or the synchronous belt on the side opposite the wheel. The over-jump protection element is provided on a guide and tensioning assembly for an adjacent chain or an adjacent synchronous belt, with the guiding and tensioning assembly including a fixed guiding element with a guide surface and a moveable tensioning element with a tensioning surface.

Nakamura et al. is cited as teaching a chain guide having an over-jump protection element (20a). However, this chain guide is located on an outside of the chain or belt run, as shown in Figures 1 and 7, and is bolted directed to the engine block. The Action admits that Nakamura et al. fails to disclose the guiding and tensioning assembly including a fixed guiding element with a guide surface and a movable tensioning element with the tensioning surface. The Action relies on White et al. as disclosing a hydraulic tensioning assembly including a fixed guiding element (48) and a movable tensioning element (16) with a tensioning surface. However, the principle of operation of the tensioner provided in White et al. is the opposite of Nakamura et al. In Nakamura et al., the chain guide (20) is located outside of the chain (15) and the tensioning element (21) is a separate part, located outside of the

chain (15) which is mounted to the engine block and located on an opposite side of the entire chain from the fixed guide. White et al. provides a separate tensioning arm (16) that is connected via a pivot point (38) to the engine. A support (22) is provided having a stationary arm (48) on which one part of the chain is guided. However, there is no suggestion or disclosure of an adjacent synchronous wheel or belt or that the tensioner of White et al. would or could support an over-jump protection element for such a neighboring chain or belt. To the extent that the White et al. tensioner acts on an entirely opposite principle from the tensioner and guide of Nakamura et al., it is submitted that these references could not be combined in the manner suggested and accordingly, claim 1 should be patentable over this combination.

Claims 2, 3, 7-9 and 17 depend directly or indirectly from claim 1 and should be similarly patentable for the reasons noted in connection with claim 1.

Claims 4-6 were rejected under 35 U.S.C. §103 as obvious in view of the prior combination of Nakamura et al. and White et al. further in view of U.S. 4,869,708 to Hoffmann et al. Applicant respectfully traverses this rejection.

With respect to claims 4 and 6, these claims are directed to the material from which the structural elements of the claimed invention are made. To the extent that these claims depend from claim 1 and claim 1 is believed to be patentable over the prior combination, it is believed that claims 4 and 6 should be similarly patentable. Hoffmann et al. does not address the deficiencies with respect to the combination of Nakamura et al. and White et al. operating on different principles. Hoffmann et al. provides a further arrangement in which the chain guide includes u-shaped channels (53, 54) which receive the chain and maintain its position in both directions.

With respect to claims 5, the Action incorrectly states that Hoffmann et al. discloses an over-jump protection element which is a separate component from the guiding or the tensioning element and is mounted to the guiding or tensioning element. This is incorrect, as the removable plate (34) is not an over-jump protection element for an adjacent sprocket, but rather allows the timing chain and associated sprockets to be assembled with the support member (21) as a unitary pre-assembled unit for

installation in which the sprockets can be in a pre-timed relation to simplify installation on an engine. The removable plate (34) allows the chain and sprockets to be positioned on the member (21) and when the plate is installed, the chain and sprockets are held in relative positions with respect to one another on the member (21). Thus, plate (34) does not act as an over-jump protection element as the chain does not even travel along the area of the sprocket covered by the cover plate (34) and this element is only intended to loosely hold the lower sprocket in position prior to assembly on the engine block. Thus, there is no suggestion or disclosure of an over-jump protection element that is a separate component from the guiding or tensioning element that is mounted on the guiding or tensioning element.

In view of these differences, withdrawal of the Section 103 rejections of claims 4-6 is respectfully requested.

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**CONCLUSION**

If the Examiner believes that any additional minor formal matters need to be addressed in order place the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application, including claims 1-9 and 17, is in condition for allowance, and a Notice to that effect is respectfully solicited.

Respectfully submitted,

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